

# In the United States Court of Federal Claims

No. 15-294C

(Filed October 23, 2024)

NOT FOR PUBLICATION

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**J. CASARETTI, et al.,**

Plaintiffs,

v.

**THE UNITED STATES,**

Defendant.

\* \* \* \* \*

## ORDER

Plaintiffs have filed statements noting that opt-in plaintiffs Cuitlahuac Mark Weber, Robert Woebcke, Richard George Wenzel, and Jason DuBois, respectively, are now deceased. ECF Nos. 204, 205, 206, 207. Pursuant to Rule 25(a)(1) of the Rules of the United States Court of Federal Claims (RCFC), a motion to substitute parties has been filed that addresses each decedent. ECF No. 209. The government does not object to the motion. ECF No. 211 at 1.

This case seeks damages under the Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201–219. “[D]ecedents’ causes of action under . . . the FLSA . . . survive to the representatives of their estates.” *Acebal v. United States*, 60 Fed. Cl. 551, 557 (2004). Both motions appear to contain the requisite documentation identifying the proper parties for substitution. Accordingly, the motion, which seeks to substitute (1) decedent Cuitlahuac Mark Weber with Jacquelyn D. Weber; (2) decedent Robert Woebcke with Tracey Woebcke; (3) decedent Richard George Wenzel with Jody Spiegelhoff-Wenzel; and (4) decedent Jason DuBois with Krystal DuBois, is **GRANTED**.

**IT IS SO ORDERED.**

s/ Victor J. Wolski

**VICTOR J. WOLSKI**

Senior Judge